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Attorneys for Plaintiff, SAN BENITO SUPPLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

UNITED STATES OF AMERICA, For the Use)
of SAN BENITO SUPPLY, a California)
corporation,)

Plaintiff,)

v.)

KISAQ-RQ 8A 2 JV, a joint venture;)
FRAZIER MASONRY COMPANY, a)
California corporation; FEDERAL)
INSURANCE COMPANY, an Indiana)
corporation; WESTERN SURETY)
COMPANY, a South Dakota corporation,)

Defendants.)

CASE NO. 5:13-CV-00469-HRL

**STIPULATION TO WAIVE JURY AT
TRIAL, AND ORDER THEREON**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States of America, For the Use of San Benito Supply ("San Benito"), by and through its attorneys of record, Monteleone & McCrory, LLP, and Defendants KISAQ-RQ 8A 2 JV, Federal Insurance Company and Western Surety Company ("KISAQ", "Federal", and "Western"), and Defendant and Counterclaim Plaintiff Frazier Masonry Corporation ("Frazier"), by and through their attorneys Case, Ibrahim & Clauss, LLP, as follows based on the herein below facts and terms:

1. On June 18, 2014, the parties participated in a settlement conference with Magistrate Judge Grewal. The parties were unable to settle this case, but did agree to waive jury at trial.

1 2. The parties, through their attorneys of record, hereby stipulate to waive jury for
2 the trial in this matter.

3 3. This stipulation may be executed by fax or email and that fax or email signature
4 will be treated as an original for all purposes.

5 4. This stipulation may be executed in counterparts, and that all executed
6 counterparts will be taken together and treated as one full and complete document.

7 **IT IS SO STIPULATED AND AGREED.**

8 DATED: June 24, 2014

MONTELEONE & McCRORY, LLP

9
10 By: 
11 WILLIAM J. INGALSBE
12 DIANA M. DRON
13 Attorneys for Plaintiff, SAN BENITO SUPPLY
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18 DATED: June 24, 2014

CASE, IBRAHIM & CLAUSS, LLP

19 By: 
20 BRIAN S. CASE
21 F. ALBERT IBRAHIM
22 Attorneys for Defendants KISAQ-RQ 8A JV,,
23 FEDERAL INSURANCE COMPANY AND
24 WESTERN SURETY COMPANY and
25 Defendant/Counterclaimant FRAZIER MASONRY
26 CORPORATION
27 aibrahim@ciclaw.com

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: August 6, 2014



HOWARD R. LLOYD
United States Magistrate Judge